

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CITY OF CHICAGO, ILLINOIS

Plaintiff,

v.

EBAY, INC.

Defendant.

Case No. 08 CV 3281

Hon. Blanche M. Manning

DEFENDANT EBAY, INC.'S MOTION TO DISMISS

Defendant eBay, Inc. ("eBay"), by its attorneys, hereby moves to dismiss Plaintiff's Complaint for failure to state a claim on which relief may be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure. In support of its motion, eBay files an accompanying brief setting forth the basis for this motion in detail.

Dated: August 8, 2008

Respectfully submitted,

eBay, Inc.

By: s/ Lori E. Lightfoot
One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on August 8, 2008, she caused a copy of the foregoing Defendant eBay, Inc.'s MOTION TO DISMISS, MEMORANDUM OF DEFENDANT eBAY, INC. IN SUPPORT OF ITS MOTION TO DISMISS, and NOTICE OF MOTION regarding same via the Northern District of Illinois Electronic Filing System to all registered counsel.

Dated: August 8, 2008

By: s/ Lori E. Lightfoot